

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
AL JAVIER,

Plaintiff,

v.

ANTHONY RUSSO, et al.,

Defendants.
-----X**ORDER**

21 CV 7097 (VB)

On September 21, 2022, defendants Rosinsky, Watkins, Kopp, Rodriguez, and Annucci ("Moving Defendants") moved to dismiss the amended complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. (Doc. #36). The Moving Defendants served a copy of the motion and all supporting papers on plaintiff, who is proceeding pro se, via regular mail. (See Doc. #39).

Plaintiff's deadline to oppose the motion was October 6, 2022. See Local Civil Rule 6.1(b). To date, plaintiff has not filed any opposition.

Accordingly, it is HEREBY ORDERED:

1. The Court sua sponte extends plaintiff's time to oppose defendant's motion to dismiss to November 28, 2022. The Moving Defendants' reply, if any, is due December 5, 2022.

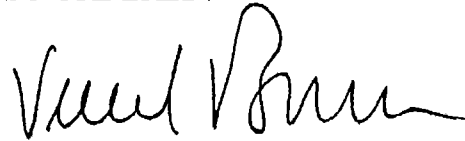
2. **If plaintiff fails to respond to the motion by November 28, 2022, the motion will be deemed fully submitted and unopposed.**

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

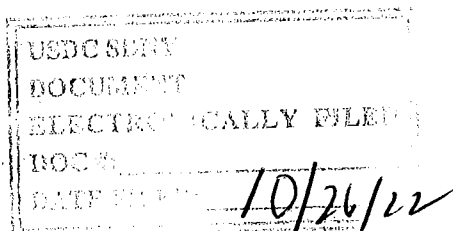
Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: October 25, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge



Copies Mailed/Faxed
Chambers of Vincent L. Briccetti 10/26/22